

 KENTUCKY CORRECTIONS Policies and Procedures	Policy Number	Total Pages
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	March 12, 2012	May 4, 2012
Authority/References KRS 196.030, 196.035, 439.340, 439.510, 532.007, 532.045, 532.050, 532.080, 532.120, 533.060 P&P ACA 1B-01, 1B-03, 1B-04, 1B-05, 1B-06, 1B-09	Subject PRESENTENCE, POSTSENTENCE, AND OTHER INVESTIGATION REPORTS	

I. DEFINITIONS

“Custody time credit” means the number of days served in a local jail that shall be credited toward an offender’s term of imprisonment.

“DNA sample” or “deoxyribonucleic acid sample” is defined by KRS 17.169.

“External movement” means information entered electronically in the offender management system which contains information concerning a convicted felon that enters the custody of a jail or institution.

“Postsentence investigation document” means a written document prepared following final sentencing in a case when a Presentence Investigation has not been ordered.

“Presentence investigation document” or “PSI” means a written, court-ordered investigation prepared after adjudication of guilt which includes the information required in KRS 532.050(2).

"Supplemental postsentence investigation report" means a report prepared for an inmate incarcerated with the Department of Corrections at the time of final sentencing which includes identifying data, legal information and the official version of the offense.

“Victim impact statement” means a statement from the victim.

“Victim notification” means a document containing the name, address and phone number of the victim.

II. POLICY and PROCEDURE

A. Data Collection

1. Timing and Location of interview

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- a. The officer shall interview the offender as soon as possible to ascertain any information that needs verification. An officer shall verify documentation provided by the offender. Verified information shall be identified in the narrative of the presentence investigation report. Permanent records obtained, including birth certificate, military, school and social security records, shall be retained in the case record. In the case of a postsentence investigation document, if the offender is in custody in a jail, the interview may be conducted immediately before the offender is transferred to a Corrections institution.
- b. If the offender is on bond waiting final sentencing, the officer shall conduct the interview in an appropriate setting.
- c. If approved by the supervisor, in limited circumstances such as a severely disabled offender, the investigation interview may be conducted in the offender's home. An officer shall not interview an offender of the opposite sex without another officer present.
- d. If a DNA sample is required pursuant to KRS 17.170, the officer shall collect a DNA sample as outlined in CPP 27-12-03 (Initial Interview and Intake of New Case).
 - (1) Prior to collection, the officer shall verify that the offender:
 - (a) qualifies for DNA testing; and
 - (b) has not previously submitted a DNA sample.
 - (2) The DNA sample shall be collected, sealed, and secured by the officer according to State Police requirements in 502 KAR 32:010 and submitted to the Kentucky State Police.
 - (3) Collection of the DNA sample shall be documented in the case management system.
- e. If all attempts to locate and interview the offender fail, the officer shall complete the presentence investigation document from public records and information provided by the offender's family or other sources. If this occurs:
 - (1) A letter shall be attached to the top of the submitted presentence investigation document explaining the lack of some information or verification; or

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(2) If the court requires, a cover letter to the sentencing judge explaining the attempts made to contact and interview the offender.

f. If the offender refuses to be interviewed by the officer, the offender's lack of cooperation shall be addressed within the cover letter attached to the presentence document or in the summation of the postsentence document. A summation shall be completed on all documents.

2. Criminal History Record Check

a. The officer shall request a criminal history check directly through National Crime Information Center (NCIC) or Law Information Network of Kentucky (LINK). If out-of-state offenses require further clarification, the officer shall contact the jurisdiction.

b. The officer shall conduct a record check through Courtnet, pretrial services, Circuit or District Court records, and the local jail, if necessary.

(1) A check for an outstanding warrant on file with NCIC shall be requested from a local law enforcement agency.

(2) A law enforcement abstract shall not be attached to the completed presentence or postsentence investigation document.

c. Juvenile Adjudication - essential data shall include:

(1) Source of juvenile adjudication

(2) Date of arrest or charge

(3) Court of appearance

(4) If guilt is determined, a brief description of the offense, if available

(5) Date and disposition of the offense

d. Adult Arrest Record - essential data shall include:

(1) Source of adjudication

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- (2) Date of arrest or charge
- (3) Court of final or pending adjudication
- (4) All criminal charges, including arrest or court contacts and case numbers
- (5) Date and disposition of the offense. If a sexual offense or violent felony conviction, include a brief description of the offense, if available. The disposition shall be stated, reflecting probation revocation, institutional release, return as a parole violator or any other official action relating to the specific criminal conviction.
- (6) Active and historical record of emergency protective orders and domestic violence orders available through LINK.

e. Review of offender's file within the local office, if available

The officer shall review any previously completed investigation document, supervision document, urinalysis test result, offender releasee document or other document which reflects the offender's conduct under supervision.

B. Felony Presentence and Postsentence Investigation Report Compilation (1B-01, 1B-03)

1. Case Information

The following information shall be included in the body of the presentence investigation regarding the court and offense information:

- a. The full name of the presiding judge, preceded by "Honorable," the judicial district, division, and county
- b. The offender's name shall be recorded as it appears on the indictment. If the offender's name is different from the name by which the offender was indicted, this name shall be included.
- c. The full name of the defense attorney indicating whether hired or appointed, and the full name of the prosecuting attorney
- d. The indictment number, offense, including original and amended, the Commonwealth's recommendation (if applicable), and the final sentence

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- e. The following dates shall be included:
 - (1) Final sentencing date
 - (2) Revocation date, if applicable
 - (3) Date the offense occurred
 - (4) Date of arrest
 - (5) Date of indictment
 - (6) Date of conviction
 - (7) Date PSI document is prepared
- f. The arresting agency
- g. Co-defendants, if any
- h. Method of conviction
- i. If the offender is in custody and what facility, or if the offender has posted bond and the amount
- j. Any custody time credit applicable for time spent in jail
- k. Name of officer preparing the document

2. Personal Demographics

The following shall be included in the PSI regarding the offender's personal data:

- a. Social security number, FBI number, SID number, and driver's license number. Other identifying numbers may include other state identification numbers, jail identification, or inmate number.
- b. Race
- c. Sex
- d. Date of birth and location
- e. Offender aliases, including nicknames
- f. Height and weight
- g. Color of eyes and hair; note the natural color of hair
- h. Tattoos, scars, or any physical identifying data

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- i. Current address or address prior to incarceration and legal or mailing address, if different, and length of time in county of conviction
- j. Marital status and minor children
- k. Gang affiliation
- l. Military service
- m. Last school attended and highest grade completed
- n. Name, address and phone number of emergency contact
- o. Offender's vehicle information

3. Offense Information

- a. The following information shall be included in the PSI regarding the nature and description of the crime convicted:
 - (1) Specific details of the offense including the offender's involvement
 - (2) Answer basic questions of who, what, when, where, and how
 - (3) Circumstances leading to the commission of the offense
 - (4) Aggravating or mitigating circumstances including type of weapon, victim's physical injury or monetary loss, and if any loss was recovered.
 - (5) Victim's age and relationship to the offender
 - (6) Original and amended charges
- b. The above information may be obtained from the following files:
 - (1) Arresting or investigating agency
 - (2) Commonwealth Attorney
 - (3) Grand jury or court testimony
 - (4) Victim of offense

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4. Criminal History

The following information shall be included in the prior criminal history, both juvenile and adult:

- a. Chronological list of prior offenses, starting with the earliest offense and concluding with the present offense. Each offense shall include:
 - (1) date of offense
 - (2) case number
 - (3) original offense and amendments
 - (4) date of disposition
 - (5) disposition.
- b. State if no record is located
- c. Emergency Protective Orders (EPO) or Domestic Violence Orders (DVO). If there are no records of EPOs or DVOs found, state “no record found”.

5. Employment and Financial Status

The following information shall be included regarding employment and financial status:

- a. Economic status including:
 - (1) salary or other rate of pay
 - (2) source of support
 - (3) employment history and
 - (4) financial assets and obligations
- b. Occupational and vocational job skills with description
- c. Any employment and job skills limitations

6. Education

The following information shall be included regarding education:

- a. diploma, degree or GED information
- b. academic achievement
- c. any learning disabilities
- d. any occupational or vocational training

7. Social History

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The following shall be included regarding social history:

- a. Early family background including birthplace, primary caregiver, formative years, and any family problems such as sexual abuse, physical abuse, strict discipline, alcoholism, drug abuse, and criminal involvement of parents and siblings
- b. Present family relationships including marital status, cohabital or romantic relationships, number of children, and child custody issues
- c. Family members shall be listed by name, relationship, age, address, phone number, and occupation

8. Physical and Mental Condition

The following shall be included regarding physical and mental condition:

- a. Describe present physical and mental health
- b. List any illnesses, impairments, allergies, and injuries
- c. List any prescribed medications and treating physicians.
- d. List any suicide attempts, psychiatric treatment, emotional problems, and prior hospitalizations

9. Alcohol and Substance Usage

The following shall be included:

- a. List the types of controlled substances and alcohol and frequency of use
- b. Report any treatment received by describing the program, length of stay, and status of completion

10. Case Summation

The PSI shall conclude with a case summation, which shall include:

- a. Number of prior felony convictions and if applicable, a synopsis of the offender's criminal history and history of supervision.

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- b. Offender's statement or version of the offense indicating the offender's admission or denial of guilt, or the offender's choice to decline comment
 - c. Offender's strengths and weaknesses
 - d. Officer's recommended plan for institutional treatment programs, or if eligible, a community probation plan (1B-05)
 - e. Offender's ability to pay fees, fines, or restitution
 - f. Recommendations for alternative sentencing (1B-06)
 - g. Results of the offender's risk and needs assessment
- C. Pursuant to KRS 532.120, the officer shall calculate time spent in custody prior to sentencing for custody time credit purposes..
 - 1. A preliminary calculation of the custody time credit shall be attached to the presentence investigation report and submitted to the court and entered in the offender management system for offender records.
 - 2. Appeals of the calculation of custody time credit shall be submitted to the Division per CPP 28-01-08 (Calculation of Custody Time Credit).
- D. Submission of Documents
 - 1. An officer shall:
 - a. Obtain from the court the disposition.
 - b. Update the presentence investigation report in the case management system with the disposition of case.
 - c. Complete the external movement in the case management system immediately or on the next working day.
 - d. Obtain a copy of the order of probation or commitment order.
 - e. Upload the court order to the case management system.
 - f. Complete the victim notification on a class A, B, C, or capital offense felony. The victim notification for a Class C drug offense shall not be necessary. Enter the victim notification information and the victim impact statement in the case management system.

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The victim's name and address may be obtained through the victim's advocate. (1B-04)

2. Specified documents above in subsection D. 1. shall be completed with notification in the case management system no later than the fifth working day after the date of final sentencing, unless extenuating circumstances exist.
3. In the case of a misdemeanor sentence, the officer shall not complete an external movement or the victim notification.
4. If the court confirms the amount of custody time credit and releases the defendant with credit for time served, the officer shall not complete the external movement.
5. Presentence investigation documents are available in the case management system to the institutional staff, classification and records department, and parole board. (1B-09)

E. Misdemeanant Presentence Investigation

1. The officer shall follow the procedures for timing and location of the interview and the interview and data collection section for the completion of a felony presentence or postsentence investigation.
2. The officer shall submit the investigation to include a custody time credit calculation to the appropriate court and the District Supervisor or designee.
3. The supervising officer shall complete a criminal history on an offender probated without a Presentence Investigation within thirty (30) days of the date probated.

F. Pre-trial diversion PSI

The officer shall:

1. Follow the procedures for timing and location of the interview and data collection for the completion of an investigation document.
2. Complete the case information, offender demographics, offense information, and criminal history sections of the investigation.
3. Complete the custody time credit calculation.

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G. Supplemental Postsentence Investigation

1. This investigation shall be prepared on an inmate incarcerated with the Department of Corrections inmate who has an additional sentence imposed. An interview shall not be required.
2. The supervising officer shall complete a supplemental investigation to include a custody time credit calculation on an offender sentenced to incarceration without a presentence investigation within thirty (30) days.

H. Postsentence Investigation

1. A postsentence investigation document shall be completed if:
 - a. The offender waives the statutory right to have a presentence investigation document submitted and is committed to serve a felony sentence.
 - b. The offender waives the statutory right to have a presentence investigation document submitted and is granted probation for a felony conviction.
2. The officer shall follow the procedures outlined in completing a presentence investigation.

I. Probation revocation PSI update

Upon revocation of sentence, the officer shall complete the probation revocation PSI update in the case management system within ten (10) working days. The officer shall:

1. Verify and update the arrest history. List all court contact since filing of the initial presentence investigation report.
2. Complete the form providing the offender's current information, including changes in employment and economic status, social and family information, and physical or mental conditions.
3. Include in the case summation any violation of the conditions of supervision and amount of restitution, if any, still owed.
4. Amend the case summation to reflect the officer's recommendations for institutional treatment or programs which address problem areas or deficiencies.

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5. Complete the custody time credit calculation.